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Judge will guide aquifer cleanup

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Two industrial concerns blamed for polluting Perth Amboy's drinking water supplies in Old Bridge will continue paying for cleaning up the Runyon well fields but will have no say in managing the projects.

Middlesex County Superior Court Judge C. Judson Hamlin, who last month criticized all parties concerned in the case, stripped Madison Industries and Chemical Pollution Sciences of any control in the cleanup of the aquifer, most recently ordered in 1988.

He ordered the companies to contribute \$1 million each to fund the initial work on several plans.

To insure that his various rulings and deadlines are met, Hamlin advised all parties that as the judge assigned to environmental matters he is retaining jurisdiction of the case.

Hamlin advised all attorneys that he will not grant any delays, regardless of whether any party wants to file an appeal.

Delays would have to be allowed by the Appellate Division of Superior Court, Hamlin said. And the judge told the state Department of Environmental Protection and Energy that he wants a report every 30 days on compliance with his orders or problems that might arise.

If there are problems, the judge said, he will order immediate hearings to resolve them.

One of the working fresh water wells is endangered by benzene. Hamlin directed the construction of a treatment system to remove the chemical from a nearby source of contamination.

That system must be in place within nine months, Hamlin said.

Hamlin said he is disturbed by "threats to public health" caused by the chemical intrusions into portions of the 1,200-acre area, which includes the Old Bridge Sands and Farrington Sands aquifers.

Of the past history of the litigation, Hamlin said, he was astounded that parties to the litigation "treated (prior) court remedies with no respect."

Citing the 1988 court-directed solutions, Hamlin said the parties "negotiated to abandon" the plans.

Hamlin said that the delays resulted in further contamination of the watershed and that a "plume (of chemicals) is continuing to

grow and spread." The water supply is polluted by zinc, iron and cadmium and benzene products.

On May 8, in response to an action brought by the City of Perth Amboy against the two corporations, Hamlin refused any further delays and conducted a trial last month intended to end almost two decades of litigation involving pollutants intruding into the Runyon watershed.

Hamlin ruled from the bench, after spending the weekend studying various documents, including 123 pages of written summations presented by lawyers representing the two companies, the DEPE and the City of Perth Amboy.

Of Madison Industries and CPA, the judge said that in response to other court-ordered cleanup plans the companies did "as little as possible, as slowly as possible and as cheaply as possible."

Hamlin said the corporations put profits ahead of cleaning up the pollutants they dumped.

Hamlin said that while such an attitude is "consistent with industry," it should not affect operations of the government. Hamlin said that although the DEPE's authority under statute is clear, the agency appeared to do nothing to enforce the previous orders imposed by Superior Court Judges David D. Furman, Richard S. Cohen and John E. Keefe during the past 16 years.

Instead, according to Hamlin, it seemed that every time a court order was signed aimed at cleaning up pollutants, the DEPE "gave the store away" by negotiating with CPS and Madison Industries.

Previous court orders directed Madison Industries and CPS to undertake certain projects, including a realignment of Pricketts Brook so the stream could not carry pollutants from the properties and construction of a slurry wall to contain chemicals and keep the underground plume from expanding.

Perth Amboy initiated the litigation after the discovery in 1971 that there was contamination in Runyon watershed. Between 1971 and 1973, more contamination was found.

In its latest court action, Perth Amboy wanted the city and the DEPE designated to head the cleanup. But Hamlin questioned whether Perth Amboy had the experience to supervise the operations.

Hamlin said other issues involving the Runyon well fields, including Perth Amboy's claims for damages against Madison Industries and CPS, will be considered at future hearings.

